

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Kenneth J. LIVAK *et al.*

Application No.: 09/816,150

Filed: March 26, 2001

For: IMPROVED INVASION ASSAY

Confirmation No. 9176

Group Art Unit: 1634

Examiner: Jeffrey N. Fredman

Attorney Docket. No.: 9584-018

RECEIVED  
JUN 05 2003  
TECH CENTER 1600/2500

**REQUEST FOR CORRECTION OF OFFICIAL FILING RECEIPT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:


In connection with the above-identified patent application, Applicants have received an Updated Filing Receipt, which recites an incorrect filing date. As indicated on the marked-up copy of the receipt attached hereto, this application was filed **March 26, 2001**.

The Updated Filing Receipt was mailed to Applicants on January 11, 2002 along with a Notice of Omitted Item(s), a copy of which is attached hereto. Applicants did not file a petition in response to that notice, and have since filed a Preliminary Amendment canceling all reference to the figure omitted from the materials filed on March 26, 2001. Therefore, the application should be accorded its original filing date.

It is respectfully requested that the U.S. Patent and Trademark Office send a corrected Filing Receipt to the undersigned. No fee is believed due for this submission. Should any fee be due, please charge such fee to Deposit Account No. 16-1150.

Respectfully submitted,

Date June 3, 2003

  
Max Bachrach 45,479  
(Reg. No.)  
**PENNIE & EDMONDS LLP**  
1667 K Street, N.W.  
Washington, D.C. 20006  
(202) 496-4400

For: Samuel B. Abrams (Reg. No. 30,605)  
**PENNIE & EDMONDS LLP**  
1155 Avenue of the Americas  
New York, NY 10036-2711  
(212) 790-9090

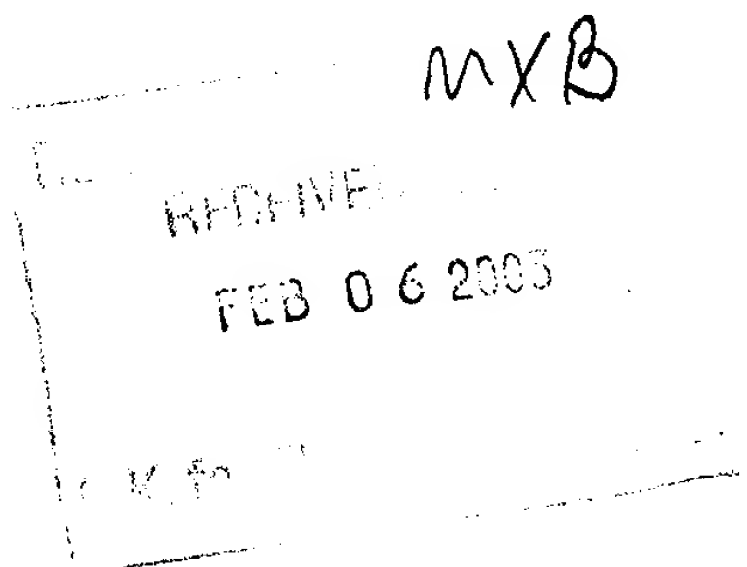
Attachments



Commissioner for Patents  
Washington, DC 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/816,150	<del>00/10/2001</del> 03/26/01	1645	1110	9584-018	7	13	1

20582  
PENNIE & EDMONDS LLP  
1667 K STREET NW  
SUITE 1000  
WASHINGTON, DC 20006



CONFIRMATION NO. 9176

UPDATED FILING RECEIPT



\*OC00000009460869\*

Date Mailed: 01/31/2003

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Kenneth J. Livak, San Jose, CA;  
Michael Y. Lucero, South San Francisco, CA;  
Muhammad A. Sharaf, Oakland, CA;

**Domestic Priority data as claimed by applicant**

This appln claims benefit of 60/192,606 03/27/2000

**Foreign Applications**

If Required, Foreign Filing License Granted: 06/06/2001

Projected Publication Date: 05/15/2003

Non-Publication Request: No

Early Publication Request: No

**Title**

Invasion assay

**Preliminary Class**



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/816,150	09/10/2001	Kenneth J. Livak	9584-018-999

20582  
PENNIE & EDMONDS LLP  
1667 K STREET NW  
SUITE 1000  
WASHINGTON, DC 20006

CONFIRMATION NO. 9176

## FORMALITIES LETTER



\*OC000000007297112\*

Date Mailed: 01/11/2002

## NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

## FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Figure(s) 8 described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date must be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

---

*A copy of this notice MUST be returned with the reply.*

  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE